

No. 9/5/84-6 Lab./3648.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. (i) Model Exotic Animal Farm, Bhiwani (ii) Haryana Dairy Development Co-operative Federation Ltd., Chandigarh.—

BEFORE SHRI B.P. JINDAL PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 272 of 1983

between

SHRI BANARSI DASS WORKMAN AND THE MANAGEMENT OF M/S. (i) MODEL EXOTIC ANIMAL FARM BHIWANI, (ii) HARYANA DAIRY DEVELOPMENT CO-OPERATIVE FEDERATION LTD, CHANDIGARH

Present.—

Shri S.N. Vats. A.R., for the workman.

Shri C.P. Sharma. A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Banarsi Dass and the management of M/s. (i) Model Exotic Animal Farm, Bhiwani, (ii) Haryana Dairy Development Co-operative Federation Ltd., Chandigarh, to this Court, for adjudication,— vide Labour Department Gazette Notification No. 63843-48, dated 7th December, 1983 :—

Whether the termination of services of Shri Banarsi Dass is justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Typist-cum-P.A. since 3rd September, 1980 and that his services were unlawfully terminated by the respondent on 24th November, 1982 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. A reply has been filed by the respondent controverting the claim of the petitioner. Preliminary pleas projected are that the claim of the petitioner is illegal and unlawful, who has no *locus-standi* to file the same, which has been filed simply to harass the respondent and that since the petitioner was a probationer, so, there was no question of any prior one month's notice or payment of any retrenchment compensation. On merits, the employment of the petitioner is admitted. It is also admitted that the services of the petitioner were terminated without any notice or payment of any compensation but it is asserted that the termination was lawful and legal.

4. On the pleadings of the parties, the following issue was laid down for decision by me on 9th November, 1984.

Whether the termination of services of Shri Banarsi Dass is justified and in order ? If not, to what relief is he entitled ?

5. Both the parties were allowed to produce their evidence. The management examined MW-1 Shri V.K. Sikka, Fodder Manager and MW-2 D. Rajinder Singh, Manager of the respondent. The workman appeared as his own witness as WW-1.

6. The learned Authorised Representatives of the parties heard and documents perused.

7. Admittedly the workman has remained employed with the respondent for more than 240 days. To be more precise, he has actually worked for more than 240 days with the respondent during the last 12 calendar months from the date of his termination, because the workman was employed on 3rd September, 1980 and his services were terminated on 24th November, 1982. It is a common case of the parties that no domestic enquiry was held into the various allegations of absentism and rude behaviour of the workman, so, the case of the workman squarely falls within the ambit of section 25F of the Industrial Disputes Act, 1947 because it is an admitted case of the management that prior to termination, no notice pay or retrenchment compensation was

paid to the workman to which he was entitled. Because the case of the workman does not fall within any of the exceptions or to be more precise, excluded categories and as such, the termination of the workman would constitute retrenchment. The law is settled that where pre-requisites for valid retrenchment as laid down under section 25-F have not been complied with, retrenchment bringing about termination of services is *ab initio* void and so the order of termination is set aside.

8. Now the question would be as to what relief should be granted to the workman. There is plethora of evidence on the file that right from the inception of his employment, the work and conduct of the workman has not been satisfactory. The management has chosen to convey to the workman the Confidential Reports in that behalf. The same are Exhibit M-11 and M-12. Exhibit M-9 is a letter issued to the workman by the Farm Manager of the respondent, who is the highest functionary working at Bhiwani regarding the absence of the workman without leave resulting into complete collapse of working in the office of the respondent. Exhibit M-5 is a letter written to the Managing Director of the respondent at Chandigarh by the Farm Manager regarding the contumacious behaviour of the workman. It is also in evidence that the workman was holding a position of trust as he was functioning as Typist-cum-P.A. of the Farm of the respondent. Statement of the Farm Manager, appeared as MW-2 also reveals the true character of the workman. So a person holding a position of trust cannot be forced upon the management. So, the relief of reinstatement cannot be given to the workman, under these circumstances and I, choose to compensate the workman by awarding him compensation. Taking into consideration the length of service of the workman and other attending circumstances, I, award a sum of Rs. 4,000 as compensation to the workman and decline him the relief of reinstatement. The reference is answered and returned accordingly. There is no order as to cost.

Dated 15th April, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

Endorsement No. 272/83/658, dated 26th April, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

No. 9/5/84-6 Lab/3649.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s The Sonapat Co-operative Sugar Mills Ltd., Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 219 of 1979

between

SHRI JAGBIR SINGH, APPLICANT AND THE MANAGEMENT OF M/S THE SONEPAT
CO-OPERATIVE SUGAR MILLS LIMITED, SONEPAT

Shri S. S. Gupta, A.R., for the applicant.

Shri Bhagat Singh, A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the applicant Shri Jagbir Singh and the management of M/s The Sonapat Co-operative Sugar Mills Limited, Sonapat, to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. SPT154-79/51812, dated the 7th December, 1979 —

Whether the termination of services of Shri Jagbir Singh was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as Sales Manager since 1976 on monthly salary of Rs. 480 and that his work and conduct throughout has been satisfactory but the respondent chose to terminate his services,—*vide* order dated 1st February, 1979. *inter alia* it is alleged that though the applicant was designated as Sales Manager but he had to perform duties of clerical nature relating to the sale of sugar, molasses and presumed and was working as Clerk grade II as per Second Wage Board. So, there is a prayer that order of termination be set aside and he be reinstated with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman/applicant has been controverted, though it is admitted that the applicant was employed as a Sales Manager, who was performing the duties of supervisory nature and that he was relieved from his duties as per the conditions of appointment and one month's salary was deposited in his account. So, it is alleged that the applicant was not a workman as defined in section 2(s) of the Industrial Disputes Act, 1947.

4. On the pleadings of the parts, the following issues were settled for decision by my learned predecessor,—*vide* his order dated 4th March, 1980:

(1) Whether the termination of services of Shri Jagbir Singh is justified and in order ? If not, to what relief is he entitled ?

(2) Whether the applicant is a workman under section 2(s) of the Industrial Disputes Act ?

4. Initially issue No 2 was tried a preliminary issue and the same was decided in favour of the workman by my learned predecessor Shri B.L. Dalal,—*vide* his interim order dated 29th April, 1982. So, the controversy as to whether the applicant is a workman or not stands clinched.

Issue No. 1

5. The learned Authorised Representative of the respondent mill Shri Jagat Singh contended that as per the terms and conditions of the appointment letter in favour of the applicant, his services could be dispensed with after a month's notice or salary in lieu of that and this was the procedure adopted by the respondent while relieving the applicant from his duties. Copy of appointment letter is Exhibit W-2. Undisputedly there is a clause in the same authorising the respondent to dispense with the services of the applicant after giving him one month's notice but this condition of service runs counter to the provisions of section 25F of the Industrial Disputes Act, 1947, which has got a binding force. It has been so held in 1981 (II) LLN 569 between Beco Engineering Co. Ltd. and State of Punjab and others. In this authority their Lordships of the Punjab and Haryana High Court observed as under in paragraph 8 of the judgement :—

"It is obligatory on the employer to comply with the provisions of S. 25F of the Industrial Disputes Act, 1947, when the services of a workman are terminated. The employer cannot take advantage of a clause in the appointment letter that the services of the workman could be terminated by giving him one month's notice or one month's pay in lieu, in view of the provisions of the section"

6. So, the star contention of the learned Authorised Representative of the respondent is not tenable and the respondent could not have taken any succour from the said clause in the appointment letter in terminating the services of the workman.

7. Faced with this situation, the learned Authorised Representative of the respondent contended that since the work and conduct of the applicant all through his tenure was not satisfactory and his antecedents were also not very flattering, so, also the respondent was justified in relieving the applicant from his duties. It was further argued that the applicant was in apt in handling the sale of sugar, causing losses to the respondent because he had no training in the programme of marketing. He tried to support this contention from the various memoes issued to the applicant and the report of the Managing Director, photo stat copies of which is Exhibit MW-2/7. The report of the Managing Director is detailed one regarding the work and conduct of the applicant and also regarding his shady past, but the same cannot be taken into account as no allegations were made in the reply filed that the respondent was constrained to take the severe action of termination against the applicant.

because all these acts of omissions and commissions. The learned Authorised Representative of the workman Shri S.S. Gupta contended that where form of the order is merely a camouflage for an order of dismissal for misconduct, it is always open to the Court before which order is assailed go behind the form and ferret out the truth and if the Court finds that the order in reality is a cloak for an order of punishment the Court would not be debarred, merely because of the form of the order in giving effect to the rights conferred by law upon the employee. There is no doubt that the order of termination passed against the present applicant is innocuously worded but the same was passed as the work and conduct of the workman was not found to be satisfactory but the workman was not given any opportunity of defending himself, because no domestic enquiry was held to ascertain the truth. In support of this contention Shri S. S. Gupta, cited 1984 S.C. (Labour and Services) 256 Anup Jaiswal V/s Government of India and others.

8. On the date, the services of the applicant were dispensed with, he had put in more than two years of service. Even if, it is believed that the respondent has issued a cheque for one month's salary on the date the services of the workman were terminated but the same does not satisfy the provisions of section 25H of the Industrial Disputes Act, 1947, because no retrenchment compensation was given to the workman as envisaged in the said section and as such the order of termination cannot be sustained and the workman is ordered to be reinstated with continuity of service.

9. On the question of back wages, I am inclined to give some relief to the respondent, because most of the Co-operative Sugar Mills in the State of Haryana are in the red and their financial position is not very alluring because of mis-management. Most of them are a drag upon the public Exchequer. So, viewed from this context, I am not inclined to award full wages to the workman. So, he is awarded 25% of the back wages. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 17th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 219/79/659, dated 26th April, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab/3654.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the Workman and the management of The Haryana Roadways, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 200 of 80.

between

SHRI DEVI LAL, WORKMAN AND THE MANAGEMENT OF THE HARYANA ROADWAYS,
HISSAR

Shri S.N. Vats, A.R. for the workman.

Shri V.K. Kohli, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Devi Lal and the management of the Haryana Roadways, Hissar, to this court for adjudication,—vide Labour Department Gazette Notification No. ID/HSR/35-80/50500, dated 22nd September, 1980—

Whether the termination of services of Shri Devi Lal was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed as a Conductor with the respondent,—vide order dated 25th January, 1979 and was placed on probation for a period of two years but the respondent choose to terminate his services on 11th December, 1979 in gross violation of the terms of appointment and also in violations of the principles of "First-come Last go" because many employees junior to the workman were retained on the date his services were retrenched. Their names are S/Shri Ram Kumar, Sat Nam, Deep Kumar, Ami Chand and others. So, there is a prayer for setting aside the order of termination and consequent relief of reinstatement with continuity of service and with full back wages.

3. A reply was filed by the respondent, in which, appointment of the workman as a Conductor was admitted but it is asserted that he was employed purely on temporary basis and his services were discontinued w.e.f. 11th December, 1979 as being no longer required. Other allegations have been controverted and more specifically the allegation that employees junior to the workman have been retained in employment.

4. On the pleadings of the parties, the following issues were laid down for decision on 15th April, 1982 :—

(1) Whether the reference is not maintainable as per the reasons given in preliminary objection ?

(2) Whether the termination of services of Shri Devi Lal was justified and in order ? If not, to what relief is he entitled ?

5. The management examined Shri Ramesh Kumar Clerk, Haryana, Roadways, Hissar and the workman appeared as his own witness as WW-1.

6. I have heard the learned Authorised Representative of the parties.

7. Undisputedly the workman has not put in 240 days of actual work with the respondent. His ground of attack is that persons, junior to him were retained in employment and as such, the respondent is guilty of making a departure from the well settled principles of "Last came first go" enshrined in section 250 of the Industrial Disputes Act, 1947. Though this plea was taken by the workman in the demand notice and also in the Claim Statement filed in the Court and a specific denial was made by the respondent in the reply filed, but the respondent made no efforts to controvert this plea of the workman by adducing cogent evidence, so much so, MW-1 Shri Ramesh Kumar, Clerk of the respondent Depot at Hissar did not choose to whisper a word that the principle of "First come last go" was adhered to while retrenching the services of the workman, though the workman when appeared as WW-1 reiterated this allegation that persons junior to him namely S/Shri Ram Kumar, Ami Chand, Dalip Singh, Joginder were retained in employment. So, there is no escape from the conclusion that the respondent is guilty of violating the principles of "last come first go" codified in section 250 of the Industrial Disputes Act, 1947 and as such, the order of termination cannot be sustained. I am fortified in my observations from the law laid down in 1981 (II) LLJ 174, between Malkhan Singh and Union of India and others.

8. In the light of my fore-going discussions, the workman is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly. There is no order as to cost.

Dated 19th April, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 200/80/664, dated 26th April, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/3656.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of Haryana Roadways, Sirsa :—

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 159 of 1982

between

SHRI GULAB SINGH, WORKMAN AND THE MANAGEMENT OF HARYANA ROADWAYS,
SIRSA

Present :—

Shri T.C. Gupta, A.R. for the workman.

Shri V.K. Kohli, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Gulab Singh and the management of M/s Haryana Roadways, Sirsa, to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/HSR/36/82/36292, dated 4th August, 1982 :—

Whether the termination of service of Shri Gulab Singh was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was appointed as Conductor in the Haryana Roadways, Sirsa, on 15th December, 1973 and that till the date of his termination, his work and conduct had been satisfactory and that the respondent chose to terminate his services,—vide order, dated 1st March, 1979 after holding a farce of an enquiry and the order of termination was passed for extraneous consideration, because the workman was an active unionist and the management was piqued against the workman for his trade union activities and so, the management choose to foist a false case against him and procured a favourable enquiry report with intention to teach a lesson to the workman. It is further alleged that in holding the alleged domestic enquiry, the Enquiry Officer flouted the canons of natural justice. So, there is a prayer for reinstatement with continuity of service and full back wages.

3. In the detailed reply filed by the respondent, the claim of the workman has been controverted. It is alleged that the claim petition is barred by limitations and this Court has no jurisdiction to adjudicate upon the controversy in hand and the claim petition is not maintainable in the present form. It is alleged that the petitioner was found committing fraud red handed, regarding which, a valid and legal domestic enquiry was held, in which, the charges levelled against the workman were found fully proved and thereafter the competent authority after issuing a final show cause notice to the workman and affording him an opportunity of personal hearing, passed speaking order of termination, which was legal and justified.

4. In the rejoinder filed by the workman, pleas taken by the management has been controverted.

5. On the pleadings of the parties, the following issue was framed on 9th February, 1983 by my learned predecessor Shri I.S. Dhull.

5. After the parties had gone through the gamut of adducing evidence and the case was fixed for arguments, it came to my notice that an important issue regarding domestic enquiry has not been framed, although the parties had adduced evidence on this plea also and as such, with the consent of the learned Authorised Representative of the parties, an additional issue detailed below serialised as issue No. 2 was framed today by me

2. Whether valid and proper domestic enquiry was held by the management before terminating the services of the workman?

And further recorded the statements of the learned Authorised Representatives of the parties in the Court today that they shall not adduce any evidence on this issue. Since the issue regarding domestic enquiry shall have a material bearing upon the fate of this reference, the same is being taken for discussion first.

6. The management to prove that a valid and legal domestic enquiry was held against the workman, examined MW-1 Shri Shyam Vadhwa, Haryana Roadways, Sirsa, who stated that he had been dealing with the conductor's cases of Haryana Roadways Sirsa and that the report Exhibit MW-1/1 was received against the workman, on the basis of which, chargesheet Exhibit MW-1/2 and list of allegations Exhibit MW-1/3 was framed and issued, to which, a reply was filed by the workman, which, was not found satisfactory and so, the Traffic Manager was appointed as Enquiry Officer, who submitted his report Exhibit MW-1/4, after which, final show cause notice was issued to the workman and order of termination Exhibit MW1/4 was passed. MW-2 is Shri Sukhchain Singh, Inspector, Haryana Roadways, Rohtak Depot, who stated that he knew the petitioner and that in the year 1978 he was posted as Inspector in the Flying Squad, Hissar Depot and Shri Pran Nath was the Adda Conductor and that on 2nd January, 1978 they checked bus No. 4175 HRR, coming from Sirganganagar and was bound for Mandi Dabwali and the same was intercepted in the area of village Lalgarh. The petitioner was conductor of the bus. At the Bus Stand Lalgarh ten passengers alighted from the bus, who told them that they had paid fare to the conductor but were not issued tickets. The amount charged was Rs. 10.90 and that he asked the conductor to give his unpunched tickets and an entry in that behalf was made by him in the way bill. He further stated that on 25th October, 1978 his statement was recorded by Shri Chawla during the enquiry proceedings in the presence of the workman, who was afforded full opportunity of cross-examination. MW-3 is Shri R.B. Chawla, now posted as General Manager, Haryana Roadways, Kaithal, who stated that in the year 1979 he was posted as Traffic Manager, Haryana Roadways, Sirsa Depot and that he was appointed as Enquiry Officer by the General Manager of the said Depot in the case of the present workman and that he conducted the enquiry during the course of which, the workman was afforded full opportunity of cross-examination and that he made a report in that behalf without any pressure. His report is Exhibit MW-1/3. WM-4 is Shri Pran Nath Adda Conductor, who also corroborated the version of Shri Sukhchain Singh MW-2 and so, I need not suffer repetition.

7. The workman appeared as his own witness as WM-1 and stated that he received a chargesheet and reply was filed by him to the same, which is Exhibit MW-1/7 and that he was never summoned during the enquiry proceedings and that the statement of Shri Pran Nath was not recorded in his presence and that statement of Shri Sukhchain Singh was recorded by the Traffic Manager. He further stated that he also filed a reply to the final show cause notice issued to him and that he was never afforded any opportunity of personal hearing.

8. The learned Authorised Representative of the workman Shri T.C. Gupta, forcefully contended that the enquiry conducted against the workman suffers from serious procedural irregularities, because the management has failed to produce on the file any order,—vide which Shri R.B. Chawla, the then Traffic Manager, Haryana Roadways, Sirsa was appointed as Enquiry Officer or Shri Chawla fixed any date of enquiry and that during the course of enquiry the statement of the workman was not recorded and that the order of termination passed against the workman is not a speaking order. In my opinion, most of these contentions are fanciful and grotesque. There is no denying the fact that domestic enquiry is conducted according to certain settled principles of natural justice in which, the delinquent official should be afforded full opportunity of participation. Shri Chawla has appeared in the Court to make a statement that he was appointed as Enquiry Officer against the workman by the General Manager, Haryana Roadways, Sirsa and I see no reason to disbelieve him on this fact. It is immaterial if the management has failed to produce on the file the formal order of appointment of Enquiry Officer, who could not have conducted the domestic enquiry without the same. The fact that the workman actually participated in the domestic enquiry is borne out from the fact that the statement made by Shri Sukhchain Singh, who conducted a surprise checking of the bus of which the petitioner was a conductor, on the fateful date of 2nd January, 1978, is signed by the workman. An other plea taken by the workman that the other witness Shri Pran Nath was not examined is also not well founded, because he was examined by the management as MW-4. The enquiry report submitted is a detailed one, on the basis of which and after applying its mind fully and after serving a final show cause notice, the order of termination was passed by the General Manager, Haryana Roadways, Sirsa, Shri Hargu Lal, who could not be examined by the management, because of his sad demise in the recent past. So, I find no infirmity or any procedural irregularity in the domestic enquiry conducted by the Traffic Manager Shri Chawla, in which the workman was given full opportunity of participation.

9. Though, not very germane for the disposal of the reference but not completely irrelevant is report of Shri Sukhchain Singh, Inspector dated 23rd January, 1978, placed upon the file. In the said report made to the General Manager of the Depot he alleged that after checking of the bus, when they reached Sriganaganagar at 9:30 p.m. one Shri Trilok Singh approached him along with the way bill at about 9:30 p.m. and asked him to tear out the same and offered him illegal gratification, to which he did not agree and so on 23rd January, 1978 when they returned the Depot at Hissar, they tried to check the way bill, upon which, they had given a note regarding surprise checking on 2nd January, 1978 and to his surprise he found that the way bill upon which an entry was made by him and was supposed to be in the custody of the workman has been replaced. It is surprising that in spite of this report, the concerned General Manager, Roadways, did not choose to get a case registered against the workman for tempering with the official record.

10. So, in the light of my fore-going discussions that the domestic enquiry in this case was fair and proper and calls for no interference by this court and so, this issue goes in favour of the management.

11. Since the issue regarding domestic enquiry has been answered in favour of the management, other issues need not be decided, because the termination in of services of the workman on the basis of enquiry report has been held to be valid and proper. The reference is answered and returned accordingly. There is no order as to costs.

Dated : The 24th April, 1985.

B. P. JINDAL,

Presiding Officer
Labour Court, Rohtak,
Camp Court, Hissar.

Endorsement No. 159/82/666, dated 26th April, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.